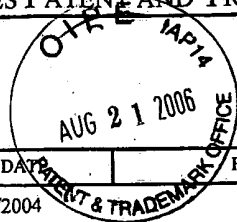




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,856	03/30/2004	Douglas A. Lappi	66785-017	5576

7590 07/25/2006
Cathryn Campbell
McDERMOTT, WILL & EMERY
Suite 700
4370 La Jolla Village Drive
San Diego, CA 92122

RECEIVED
JUL 28 2006

McDERMOTT, WILL & EMERY

EXAMINER BORIN, MICHAEL L	
ART UNIT 1631	PAPER NUMBER

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060718

DATE MAILED:

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Commissioner for Patents

Response to Notice of non-compliant amendment filed 04/25/2006 is acknowledged. Upon reviewing response to election of species requirement filed 03/28/06, Examiner determined that it is not fully responsive to the election of species requirement. Applicant elected CYGGGGGRPKPQQFFGLM-amide (SEQ ID NO:2) as substance P analog, and "toxin" as polypeptide inhibiting protein synthesis. Applicant has not, however, identified species of toxin such as those addressed in claims 33,34. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, i.e., a single compound, even though the requirement is traversed.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Borin whose telephone number is (571) 272-0713. The examiner can normally be reached on 9am-5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 Michael Borin, Ph.D.
Primary Examiner
Art Unit: 1631